

**2019 No. 16**

**AGRICULTURE**

**FOOD**

**The Residues (Charges and Examination) (Amendment)  
Regulations (Northern Ireland) 2019**

*Made* - - - - *12th February 2019*

*Coming into operation* - *15th March 2019*

The Department of Agriculture, Environment and Rural Affairs(a) and the Department of Health(b), are Departments designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the common agricultural policy of the European Community and in relation to medicinal products and make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2(e) to, that Act.

Acting jointly(f), the Department of Agriculture, Environment and Rural Affairs and the Department of Health make the following Regulations in exercise of the powers conferred by Article 47(2) of the Food Safety (Northern Ireland) Order 1991(g).

In accordance with Article 47(2) of the Food Safety (Northern Ireland) Order 1991 and Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(h) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, the aforementioned Departments have carried out consultation with such organisations as appear to them to be representative of interests likely to be affected by these Regulations.

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- (a) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1). DARD was renamed the Department of Agriculture, Environment and Rural Affairs by Article 1(2) of the Departments (Northern Ireland) Act 2016 (2016 c.5 (N.I.)).
- (b) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1.
- (c) S.I. 1972/1811 and S.I. 2000/2812
- (d) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). Section 2(2) is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1, from Exit Day (see Section 20 of that Act).
- (e) 1972 c.68; paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 28 and was amended by the European Union (Amendment) Act 2008 (c.7), the Schedule, Part 1 and is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act).
- (f) S.R. 2000 No.78: see regulation 13(1)(d)(i) which allows the Department of Agriculture, Environment and Rural Affairs to join with the Department of Health in making regulations under the Food Safety (Northern Ireland) Order 1991 in relation to charges for inspection in relation to residues of veterinary products in food or food sources.
- (g) S.I. 1991 No. 762 (N.I. 7) as amended by 1999 c.28, Schedule 5, paragraphs 27 and 40 and by S.R. 2004 No. 482.
- (h) O.J. No. L31, 1.2.2002, p.1 as amended by Commission Regulation (EC) No.202/2008 (O.J. No. L60, 4.3.2008, P.17).

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Residues (Charges and Examination) (Amendment) Regulations (Northern Ireland) 2019 and shall come into operation on 15th March 2019.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(a)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **The Charges for Residues Surveillance Regulations (Northern Ireland) 2010**

2. In the Charges for Residues Surveillance Regulations (Northern Ireland) 2010<sup>(b)</sup> in regulation 3(5), for “on the date on which these Regulations are made” substitute “from time to time”.

### **The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016**

3.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016<sup>(c)</sup> are amended as follows.

(2) In regulation 2(1), in the definition of “marketing authorisation” at the end add “as last amended by Directive 2004/28/EC of the European Parliament and of the Council”<sup>(d)</sup>.

(3) In regulation 18, at the end add “as last amended by Commission Decision 2004/25/EC”<sup>(e)</sup>.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 12th February 2019.

(L.S.)

*Colette McMaster*  
A senior officer of the  
Department of Agriculture, Environment and Rural Affairs

Sealed with the Official Seal of the Department of Health on 12th February 2019.

(L.S.)

*Dr Naresh Chada*  
A senior officer of the  
Department of Health

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These regulations update outdated European Union legislative references.

The Charges for Residues Surveillance Regulations (Northern Ireland) 2010 are updated to include an ambulatory reference to EU legislation to enable future updates to EU legislation to apply.

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(a) 1954 c 33 (NI).  
(b) S.R. 2010 No.124  
(c) S.R. 2016 No.54  
(d) OJ L 136 30.4.2004 p 58  
(e) OJ L 6 10.1.2004 p 38

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016 are updated to include reference to Directive 2004/28/EC and to Commission Decision 2004/25/EC.

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